

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**CRIMINAL NO. 05-440**

**v.**

**DATE FILED: October 5, 2005**

**ALTON COLES,**

**a/k/a "Ace,"**

**a/k/a "Ace Capone,"**

**a/k/a "Fat Boy,"**

**a/k/a "Naseem Coles,"**

**a/k/a "Lamar Johnson,"**

**a/k/a "Naiil Johnson"**

**AL ZUAGAR,**

**a/k/a "Zu,"**

**a/k/a "Alfonso Zuagar,"**

**a/k/a "Junior Zuagar"**

**CHARLTON CUSTIS,**

**a/k/a "Gusto"**

**KEENAN BROWN,**

**a/k/a "Nino Brown,"**

**a/k/a "Dot"**

**ROBERT COOPER,**

**a/k/a "O.G.,"**

**a/k/a "Robert Hall"**

**VIOLATIONS:**

**21 U.S.C. § 846 (conspiracy to distribute  
5 kilograms or more of cocaine and  
50 grams or more of cocaine base  
("crack") - 1 count)**

**21 U.S.C. § 841(a)(1) (distribution and  
possession with intent to distribute  
cocaine or cocaine base ("crack") - 6  
counts)**

**21 U.S.C. § 843(b) (use of a  
communication facility to facilitate the  
distribution of cocaine or cocaine base  
("crack") - 6 counts)**

**18 U.S.C. § 924(c) (possession of a firearm  
in furtherance of a drug trafficking crime  
- 1 count)**

**18 U.S.C. § 922(g)(1) (possession of a  
firearm by a convicted felon - 2 counts)**

**18 U.S.C. § 2 (aiding and abetting)  
Notice of forfeiture**

**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From in or about a date unknown to the grand jury, beginning at least in February 2000, through in or about August 10, 2005, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Fat Boy,”  
a/k/a “Naseem Coles,”  
a/k/a “Lamar Johnson,”  
a/k/a “Naiil Johnson,”  
**AL ZUAGAR,**  
a/k/a “Zu,”  
a/k/a “Alfonso Zuagar,”  
a/k/a “Junior Zuagar,”  
**CHARLTON CUSTIS,**  
a/k/a “Gusto,”  
**KEENAN BROWN,**  
a/k/a “Nino Brown,”  
a/k/a “Dot,” and  
**ROBERT COOPER,**  
a/k/a “O.G.,”  
a/k/a “Robert Hall”

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute controlled substances, that is, 5 kilograms or more containing a mixture and substance of a detectable amount of cocaine, a Schedule II controlled substance, and 50 grams or more of a mixture and substance containing a detectable amount of cocaine base (“crack”), all in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

#### **MANNER AND MEANS**

It was part of the conspiracy that:

2. **ALTON COLES** was the leader and organizer of a cocaine and cocaine base (“crack”) distribution enterprise (hereinafter referred to as the **COLES Cocaine Gang** (“**CCG**”)), which distributed in excess of 5 kilograms of cocaine and in excess of 50 grams of cocaine base (“crack”) between approximately February 2000 and August 10, 2005.

3. Defendant **ALTON COLES** and others known and unknown to the grand jury obtained kilogram quantities of cocaine from outside and from within the Eastern District of Pennsylvania.

4. Defendant **ALTON COLES** and others transported cocaine to Philadelphia, and elsewhere, where it was sold as cocaine powder, or converted or “cooked,” into cocaine base (“crack”) and then distributed through various co-conspirators.

5. At various times during the conspiracy, defendant **ALTON COLES** distributed cocaine and cocaine base (“crack”) through defendants **AL ZUAGAR** and **CHARLTON CUSTIS** among others known and unknown to the grand jury, who were managers of street corner sales for the **CCG**. Defendants **CUSTIS** and **ZUAGAR** were assisted in their role by defendant **KEENAN BROWN**.

6. Managers of street corner sales locations, such as defendants **ALTON CUSTIS**, **AL ZUAGAR**, and others, received large amounts of cocaine from defendant **COLES** and others known and unknown to the grand jury. Street managers stored cocaine, processed it into cocaine base (“crack”) by “cooking” it, re-packaged cocaine base (“crack”), and sold it in various locations in and around Philadelphia, Pennsylvania through street level sellers, including defendant **ROBERT COOPER** and others known and unknown to the grand jury.

7. Conspirators carried firearms to protect their cocaine, cocaine base (“crack”), and the proceeds earned from the sale of these controlled substances.

8. Conspirators obtained and possessed identification cards, such as Pennsylvania Driver’s Licenses, with false information on them, and otherwise used aliases to conceal their activities and roles in the **CCG**.

## OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, the following overt acts, among others, were performed by the defendants in Philadelphia, in the Eastern District of Pennsylvania and elsewhere:

1. On or about February 1, 2000, defendant **KEENAN BROWN** possessed approximately 66 packets of cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.
2. On or about February 3, 2000, defendant **ROBERT COOPER** distributed cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.
3. On or about October 26, 2000, defendant **CHARLTON CUSTIS** distributed cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.
4. On or about December 5, 2000, defendant **CHARLTON CUSTIS** distributed cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.
5. On or about February 15, 2001, defendant **KEENAN BROWN** possessed approximately 6.6 grams of cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street..
6. On or about October 28, 2002, defendant **KEENAN BROWN** possessed a Baikal, Model IJ-70, .380 caliber semi-automatic pistol, serial number A013845, loaded with 4 live rounds of ammunition in the vicinity of the 2000 block of South Cecil Street.
7. On or about February 4, 2004, defendant **KEENAN BROWN** possessed a Ruger, Model GP100, .357 caliber revolver, serial number 1790-73433, loaded with 6 live rounds of ammunition, in the vicinity of the 2000 block of South Cecil Street.

8. On or about March 27, 2004, defendant **ALTON COLES** possessed a Baretta caliber .9 millimeter, semi-automatic pistol, serial number 082733MC, loaded with 7 rounds of live ammunition in the vicinity of the 2000 block of South Cecil Street.

9. On or about April 8, 2004, defendant **CHARLTON CUSTIS** possessed cocaine base (“crack”) and approximately \$1,034 in drug proceeds, in the vicinity of the 2000 block of South Cecil Street.

10. On or about September 29, 2004, defendant **AL ZUAGAR** possessed approximately 13.3 grams of cocaine base (“crack”), at 5724 Filbert Street, together with a Radom, Model 35, caliber 9 millimeter, semi-automatic pistol, serial number A8512.

11. On or about October 2, 2004, defendant **CHARLTON CUSTIS** possessed cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.

12. On or about October 24, 2004, defendant **ALTON COLES** possessed a Smith & Wesson, .9mm, semi-automatic handgun, serial number TEU8998, loaded with four live rounds of ammunition, while operating a Bentley automobile near Sixth and Spring Garden Streets.

13. On or about December 7, 2004, defendant **ALTON COLES** met with defendant **CHARLTON CUSTIS** near 5800 Woodland Avenue, in Philadelphia, for the purpose of conducting a cocaine related transaction.

14. On or about January 7, 2005, defendant **CHARLTON CUSTIS** possessed approximately 49 grams of cocaine base (“crack”), along with digital scales and approximately \$1,440 in cash.

15. On or about March 24, 2005, defendant **CHARLTON CUSTIS** possessed

approximately 10.8 grams of cocaine and a Ruger, Model P93DC, 9 millimeter pistol, serial number 306-01790, loaded with 12 rounds of ammunition at 2032 South Cecil Street.

16. On or about April 5, 2005, defendants **CHARLTON CUSTIS** and **ROBERT COOPER** distributed approximately .40 grams of cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.

17. On or about April 18, 2005, defendant **CHARLTON CUSTIS** used a telephone to arrange the sale of approximately .40 grams of cocaine base (“crack”).

18. On or about April 18, 2005, defendant **CHARLTON CUSTIS** sold approximately .40 grams of cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.

19. On or about May 25, 2005, defendant **AL ZUAGAR** used a telephone to arrange the sale of approximately one ounce of cocaine base (“crack”).

20. On or about May 25, 2005, defendant **KEENAN BROWN** used a telephone to arrange the sale of approximately one ounce of cocaine base (“crack”).

21. On or about May 25, 2005, defendants **AL ZUAGAR** and **KEENAN BROWN** sold approximately 21 grams of cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.

22. On or about May 26, 2005, defendant **KEENAN BROWN** used a telephone to discuss the sale of approximately 21 grams of cocaine base (“crack”) that had occurred on May 25, 2005.

23. On or about June 8, 2005, defendant **AL ZUAGAR** used a telephone to arrange the sale of approximately two ounces of cocaine base (“crack”).

24. On or about June 9, 2005, defendant **AL ZUAGAR** used a telephone to arrange the sale of approximately two ounces of cocaine base (“crack”).

25. On or about June 9, 2005, defendant **AL ZUAGAR** sold approximately 56 grams of cocaine base (“crack”) in the vicinity of the 2000 block of South Cecil Street.

26. On or about June 20, 2005, defendant **AL ZUAGAR** used a telephone to discuss the sale of approximately four and one-half ounces of cocaine base (“crack”).

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 7, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly and intentionally possessed with the intent to distribute 5 grams or more, that is, approximately 49 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).



**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 24, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly and intentionally possessed with intent to distribute 5 grams or more, that is, approximately 10.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 5, 2005, in the Eastern District of Pennsylvania, defendants

**CHARLTON CUSTIS,  
a/k/a “Gusto,”  
and  
ROBERT COOPER,  
a/k/a “O.G.,”  
a/k/a “Robert Hall,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, approximately .40 grams of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 18, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly and intentionally distributed approximately .40 grams of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 18, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,**  
**a/k/a “Gusto,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Five of this indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **CUSTIS** used the telephone to discuss the distribution of cocaine and to arrange a meeting regarding the delivery of cocaine to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 25, 2005, in the Eastern District of Pennsylvania, defendants

**AL ZUAGAR,  
a/k/a “Zu,”  
a/k/a “Alfonso Zuagar,”  
a/k/a “Junior Zuagar,” and  
KEENAN BROWN,  
a/k/a “Nino Brown,”  
a/k/a “Dot,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 21 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 25, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Seven of this indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine and to arrange a meeting regarding the delivery of cocaine to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 25, 2005, in the Eastern District of Pennsylvania, defendant

**KEENAN BROWN,  
a/k/a “Nino Brown,”  
a/k/a “Dot,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Seven of this indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **BROWN** used the telephone to discuss the distribution of cocaine and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 9, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,  
a/k/a “Zu,”  
a/k/a “Alfonso Zuagar,”  
a/k/a “Junior Zuagar,”**

knowingly and intentionally distributed 50 grams or more, that is, approximately 56 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(A).



**COUNT ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 8, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Ten of this indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 9, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Ten of this indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT THIRTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 20, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the attempted distribution cocaine base (“crack”) a Schedule II controlled substance, in violation of Title 21, United States Code, Section 846, in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine base (“crack”) and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT FOURTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 24, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly possessed a firearm, that is, a Ruger, Model P93DC, 9 millimeter pistol, serial number 306-01790, loaded with 12 live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT FIFTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 27, 2004, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Nail Johnson,”  
a/k/a “Lamar Johnson,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm and ammunition, that is, a Baretta, caliber 9 millimeter, semi-automatic pistol, serial number 082733MC, loaded with 7 rounds of live ammunition

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT SIXTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 24, 2004, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Nail Johnson,”  
a/k/a “Lamar Johnson,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm and ammunition, that is, a silver and black Smith & Wesson 9 millimeter semi-automatic handgun, serial number TEU8998, loaded with four rounds of live ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 841(a), 843(b), and 846, set forth in this indictment, defendants

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Fat Boy,”  
a/k/a “Naseem Coles,”  
a/k/a “Lamar Johnson,”  
a/k/a “Naiil Johnson,”  
AL ZUAGAR,  
a/k/a “Zu,”  
a/k/a “Alfonso Zuagar,”  
a/k/a “Junior Zuagar,”  
CHARLTON CUSTIS,  
a/k/a “Gusto,”  
KEENAN BROWN,  
a/k/a “Nino Brown,”  
a/k/a “Dot,” and  
ROBERT COOPER,  
a/k/a “O.G.”  
a/k/a “Robert Hall”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

(2) If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

3. As a result of the violations of Title 18, United States Code, Sections 922(g)(1) and 924(c), set forth in this indictment, defendants

**ALTON COLES,**  
**a/k/a “Ace,”**  
**a/k/a “Ace Capone,”**  
**a/k/a “Fat Boy,”**  
**a/k/a “Naseem Coles,”**  
**a/k/a “Lamar Johnson,”**  
**a/k/a “Naiil Johnson,”**  
**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**  
**CHARLTON CUSTIS,**  
**a/k/a “Gusto,”**  
**KEENAN BROWN,**  
**a/k/a “Nino Brown,”**  
**a/k/a “Dot,” and**  
**ROBERT COOPER,**  
**a/k/a “O.G.”**  
**a/k/a “Robert Hall”**

shall forfeit to the United States of America all firearms and ammunition involved in the



commission of such offenses, including, but not limited to:

- a. a Baikal, Model IJ-70, .380 caliber semi-automatic pistol, serial number A013845, loaded with 4 live rounds of ammunition;
- b. a Ruger, Model GP100, .357 caliber revolver, serial number 1790-73433, loaded with 6 live rounds of ammunition;
- c. a Ruger, Model P93DC, 9 millimeter pistol, serial number 306-01790, loaded with 12 live rounds of ammunition;
- d. a Radom, Model 35, caliber 9 millimeter, semi-automatic pistol, serial number A8512;
- e. a Baretta, caliber 9 millimeter, semi-automatic pistol, serial number 082733MC, loaded with 7 rounds of live ammunition; and
- f. a silver and black Smith & Wesson 9 millimeter semi-automatic handgun, serial number TEU8998, loaded with four rounds of live ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**